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referred or transmitted to committee.

Chief Clerk of the House

**FILED** JAN 12 2007

By: Yvonne G. Toureilles

H.B. No. 586

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for dismissal of certain speeding charges  
on completion of a driving safety course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.0511(b), Code of Criminal Procedure,  
is amended to read as follows:

(b) The judge shall require the defendant to successfully  
complete a driving safety course approved by the Texas Education  
Agency or a course under the motorcycle operator training and  
safety program approved by the designated state agency under  
Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or  
motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety  
course or motorcycle operator training course, as appropriate,  
within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license  
or permit, is a member of the United States military forces serving  
on active duty, and has not completed a driving safety course or  
motorcycle operator training course, as appropriate, in another  
state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021  
in person or in writing of no contest or guilty on or before the

1 answer date on the notice to appear and:

2 (A) presents in person or by counsel to the court  
3 a request to take a course; or

4 (B) sends to the court by certified mail, return  
5 receipt requested, postmarked on or before the answer date on the  
6 notice to appear, a written request to take a course;

7 (4) the defendant:

8 (A) has a valid Texas driver's license or permit;  
9 or

10 (B) is a member of the United States military  
11 forces serving on active duty;

12 (5) the defendant is charged with an offense to which  
13 this article applies, other than speeding at a speed of:

14 (A) 95 miles per hour or more; or

15 (B) 25 miles per hour or more over the posted  
16 speed limit; and

17 (6) the defendant provides evidence of financial  
18 responsibility as required by Chapter 601, Transportation Code.

19 SECTION 2. (a) The change in law made by this Act applies  
20 only to an offense committed on or after the effective date of this  
21 Act. For the purposes of this section, an offense is committed  
22 before the effective date of this Act if any element of the offense  
23 occurs before that date.

24 (b) An offense committed before the effective date of this  
25 Act is governed by the law in effect when the offense was committed,  
26 and the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2007.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

07 MAY -1 PM 10:55  
HOUSE OF REPRESENTATIVES

By: Gonzalez Toureilles

H.B. No. 586

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(A) has not completed an approved driving safety  
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(B) does not have a valid Texas driver's license  
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on active duty, and has not completed a driving safety course or  
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1 answer date on the notice to appear and:

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4 (B) sends to the court by certified mail, return  
5 receipt requested, postmarked on or before the answer date on the  
6 notice to appear, a written request to take a course;

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10 (B) is a member of the United States military  
11 forces serving on active duty;

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13 this article applies, other than speeding at a speed of:

14 (A) 95 miles per hour or more; or

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21 Act. For the purposes of this section, an offense is committed  
22 before the effective date of this Act if any element of the offense  
23 occurs before that date.

24 (b) An offense committed before the effective date of this  
25 Act is governed by the law in effect when the offense was committed,  
26 and the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2007.

**The Honorable Tom Craddick**  
**Speaker of the House of Representatives**

Joe & D/K

## **BILL ANALYSIS**

H.B. 586  
By: Gonzalez Toureilles  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law allows some defendants in traffic offenses to take a driving safety course rather than face other penalties.

HB 586 would prohibit a defendant guilty of driving at speeds higher than 95 miles per hour from taking a driving safety class to discharge the ticket.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 45.0511(b), Code of Criminal Procedure to add "speeding at a speed of 95 miles per hour or more" to subsection (5), exceptions to defendants eligible to take a driving safety course.

SECTION 2. Transition clause continues current laws for offense occurring prior to the effective date of the bill.

SECTION 3. Effective date: September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.

## SUMMARY OF COMMITTEE ACTION

HB 586

April 23, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 30, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

2  
1

WITNESS LIST

HB 586  
HOUSE COMMITTEE REPORT  
Law Enforcement Committee

April 23, 2007 - 2:00 PM or upon final adjourn./recess

For: Cobos, David M. (Justices of the Peace & Constables Assoc. of Texas)

3  
1



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 21, 2007**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB

# HOUSE ENGROSSMENT

By: Gonzalez Toureilles

H.B. No. 586

## A BILL TO BE ENTITLED

### AN ACT

relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.0511(b), Code of Criminal Procedure, is amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the

1 answer date on the notice to appear and:

2 (A) presents in person or by counsel to the court  
3 a request to take a course; or

4 (B) sends to the court by certified mail, return  
5 receipt requested, postmarked on or before the answer date on the  
6 notice to appear, a written request to take a course;

7 (4) the defendant:

8 (A) has a valid Texas driver's license or permit;  
9 or

10 (B) is a member of the United States military  
11 forces serving on active duty;

12 (5) the defendant is charged with an offense to which  
13 this article applies, other than speeding at a speed of:

14 (A) 95 miles per hour or more; or

15 (B) 25 miles per hour or more over the posted  
16 speed limit; and

17 (6) the defendant provides evidence of financial  
18 responsibility as required by Chapter 601, Transportation Code.

19 SECTION 2. (a) The change in law made by this Act applies  
20 only to an offense committed on or after the effective date of this  
21 Act. For the purposes of this section, an offense is committed  
22 before the effective date of this Act if any element of the offense  
23 occurs before that date.

24 (b) An offense committed before the effective date of this  
25 Act is governed by the law in effect when the offense was committed,  
26 and the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2007.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

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<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB

1-1 By: Gonzalez Toureilles (Senate Sponsor - Uresti) H.B. No. 586  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 18, 2007, reported  
1-5 favorably, as amended, by the following vote: Yeas 5, Nays 0;  
1-6 May 18, 2007, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1

By: Watson

1-8 Amend H.B. No. 586 as follows:

1-9 (1) In the introductory language of SECTION 1 of the bill  
1-10 (House engrossment page 1, lines 57 and 58), strike "Article  
1-11 45.0511(b), Code of Criminal Procedure, is amended" and substitute  
1-12 "Articles 45.0511(b) and (c), Code of Criminal Procedure, are  
1-13 amended".

1-14 (2) In SECTION 1 of the bill, in Subdivision (2)(B),  
1-15 Subsection (b), Article 45.0511, Code of Criminal Procedure (House  
1-16 engrossment page 2, line 9), between "member" and "of", insert ", or  
1-17 the spouse or dependent child of a member, ".  
1-18 (3) In SECTION 1 of the bill, in Subdivision (4)(B),  
1-19 Subsection (b), Article 45.0511, Code of Criminal Procedure, (House  
1-20 engrossment page 2, line 24), between "member" and "of", insert ",  
1-21 or the spouse or dependent child of a member, ".  
1-22 (4) At the end of SECTION 1 of the bill (House engrossment  
1-23 page 2, between lines 32 and 33); insert the following:

1-24 (c) The court shall enter judgment on the defendant's plea  
1-25 of no contest or guilty at the time the plea is made, defer  
1-26 imposition of the judgment, and allow the defendant 90 days to  
1-27 successfully complete the approved driving safety course or  
1-28 motorcycle operator training course and present to the court:

1-29 (1) a uniform certificate of completion of the driving  
1-30 safety course or a verification of completion of the motorcycle  
1-31 operator training course;

1-32 (2) unless the judge proceeds under Subsection (c-1),  
1-33 the defendant's driving record as maintained by the Department of  
1-34 Public Safety, if any, showing that the defendant had not completed  
1-35 an approved driving safety course or motorcycle operator training  
1-36 course, as applicable, within the 12 months preceding the date of  
1-37 the offense;

1-38 (3) an affidavit stating that the defendant was not  
1-39 taking a driving safety course or motorcycle operator training  
1-40 course, as applicable, under this article on the date the request to  
1-41 take the course was made and had not completed such a course that is  
1-42 not shown on the defendant's driving record within the 12 months  
1-43 preceding the date of the offense; and

1-44 (4) if the defendant does not have a valid Texas  
1-45 driver's license or permit and is a member, or the spouse or  
1-46 dependent child of a member, of the United States military forces  
1-47 serving on active duty, an affidavit stating that the defendant was  
1-48 not taking a driving safety course or motorcycle operator training  
1-49 course, as appropriate, in another state on the date the request to  
1-50 take the course was made and had not completed such a course within  
1-51 the 12 months preceding the date of the offense.

1-52 A BILL TO BE ENTITLED  
1-53 AN ACT

1-54 relating to eligibility for dismissal of certain speeding charges  
1-55 on completion of a driving safety course.

1-56 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-57 SECTION 1. Article 45.0511(b), Code of Criminal Procedure,  
1-58 is amended to read as follows:

1-59 (b) The judge shall require the defendant to successfully  
1-60 complete a driving safety course approved by the Texas Education  
1-61 Agency or a course under the motorcycle operator training and  
1-62 safety program approved by the designated state agency under

Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(4) the defendant:

(A) has a valid Texas driver's license or permit; or

(B) is a member of the United States military forces serving on active duty;

(5) the defendant is charged with an offense to which this article applies, other than speeding at a speed of:

(A) 95 miles per hour or more; or

(B) 25 miles per hour or more over the posted speed limit; and

(6) the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

\* \* \* \* \*

FAVORABLY AS AMENDED  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 586  
By Gonzalez Tourelles/Uresti  
(Author/Senate Sponsor)  
5-18-07  
(date)

TRANSPORTATION AND HOMELAND

We, your Committee on SECURITY, to which was referred the attached measure,  
have on 5-18-2007, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass with 1 amendments, and be printed  
☐ do pass with \_\_\_\_\_ amendments, and be ordered not printed  
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.  
A fiscal note was requested. ☒ yes ☐ no  
A revised fiscal note was requested. ☒ yes ☐ no  
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator John Carona, Chairman	/			
Senator Kirk Watson, Vice-Chairman	/			
Senator Kim Brimer	/			
Senator Rodney Ellis	/			
Senator Robert Nichols	/			
Senator Florence Shapiro			/	
Senator Eliot Shapleigh			/	
Senator Jeff Wentworth			/	
Senator Tommy Williams			/	
TOTAL VOTES	5	0	4	0

COMMITTEE ACTION

☒ S260 Considered in public hearing  
S270 Testimony taken

Jeff Wentworth  
COMMITTEE CLERK

John Carona  
CHAIR

Paper clip the original and one copy of this signed form to the original bill along with THREE signed copies of each committee amendment adopted  
Retain one copy of this form for Committee files

WITNESS LIST

HB 586

Senate Committee Report

Transportation & Homeland Security

May 18, 2007 - 7:30 AM

Registering, but not testifying:

For:

Cobos, David M. Justice of the Peace (Justices of the Peace & Constables Association of Texas), Midland, TX



## **BILL ANALYSIS**

Senate Research Center  
80R20768 DWS-F

H.B. 586  
By: Gonzalez Toureilles (Uresti)  
Transportation & Homeland Security  
5/18/2007  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law authorizes some defendants charged with certain traffic offenses to take a driving safety course rather than face other penalties. The 79<sup>th</sup> Legislature, Regular Session, 2005, increased the speed limit to 80 miles per hour in some rural areas. Due to this change and the language of the statute, defendants who are charged with driving at speeds of up to 104 miles per hour are authorized to take such courses. However, driving at such speeds poses a public safety hazard and eliminating this option for offenses involving those high speeds would serve to better deter such offenses.

H.B. 586 prohibits a defendant who is found guilty of driving at a speed higher than 95 miles per hour and issued a speeding ticket from taking a driving safety class to dismiss the ticket.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 45.0511(b), Code of Criminal Procedure, to require the judge to require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662 (Motorcycle Operator Training and Safety), Transportation Code, if the defendant is charged with an offense to which this article (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures) applies, other than speeding at a speed of 95 miles per hour or more.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment No. \_\_

(1) Amends the introductory language of SECTION 1 of the bill (house engrossment, page 1, lines 5 and 6), to strike "Article 45.0511(b), Code of Criminal Procedure, is amended" and substitute "Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended".

(2) Amends SECTION 1 of the bill, in Subdivision (2)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (house engrossment, page 1, line 19), to require the judge to require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662 (Motorcycle Operator Training and Safety), Transportation Code, if the defendant is the spouse or dependent child of a member of the United States military forces serving on active duty, among other requirements.

(3) Amends SECTION 1 of the bill, in Subdivision (4)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (house engrossment, page 2, line 10), to require the judge to require

the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if the defendant is the spouse or dependent child of a member of the United States military forces serving on active duty.

(4) Amends SECTION 1 of the bill (house engrossment, page 2, between lines 18 and 19), by inserting Article 45.0511(c), Code of Criminal Procedure, to require the court to allow a defendant, if the defendant does not have a valid Texas driver's license or permit and is the spouse or dependent of a child of a member of the United States military forces serving on active duty, 90 days to present to the court an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **Committee Report 2nd House, As Amended**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, ES, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, ES, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 21, 2007**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

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**Source Agencies:**

**LBB Staff:** JOB, ES, DB

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR, PLACEMENT

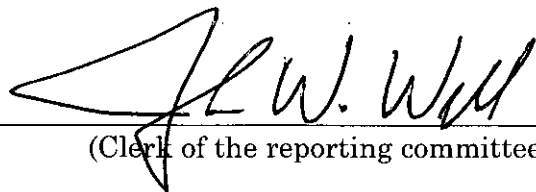
SENATOR JOHN CARONA, CHAIRMAN

SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY

Notice is hereby given that HB 586, by Gonzalez Tourelles/Uresti,  
(Bill No.) (Author/Sponsor)

was heard by the Committee on Transportation and Homeland Security on 5-18-2007,  
2007,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

ADOPTED

MAY 23 2007

Secretary of the Senate

BY:

Watson

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 586 as follows:

(1) In the introductory language of SECTION 1 of the bill (House engrossment page 1, lines 5 and 6), strike "Article 45.0511(b), Code of Criminal Procedure, is amended" and substitute "Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended".

(2) In SECTION 1 of the bill, in Subdivision (2)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (House engrossment page 1, line 19), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(3) In SECTION 1 of the bill, in Subdivision (4)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure, (House engrossment page 2, line 10), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(4) At the end of SECTION 1 of the bill (House engrossment page 2, between lines 18 and 19), insert the following: INSERT A

(c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) unless the judge proceeds under Subsection (c-1), the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant had not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of

## INSERT A CONTD

1 the offense;

2 (3) an affidavit stating that the defendant was not  
3 taking a driving safety course or motorcycle operator training  
4 course, as applicable, under this article on the date the request to  
5 take the course was made and had not completed such a course that is  
6 not shown on the defendant's driving record within the 12 months  
7 preceding the date of the offense; and

8 (4) if the defendant does not have a valid Texas  
9 driver's license or permit and is a member, or the spouse or  
10 dependent child of a member, of the United States military forces  
11 serving on active duty, an affidavit stating that the defendant was  
12 not taking a driving safety course or motorcycle operator training  
13 course, as appropriate, in another state on the date the request to  
14 take the course was made and had not completed such a course within  
15 the 12 months preceding the date of the offense.



# SENATE AMENDMENTS

07 MAY 23 PM 6:47

2<sup>nd</sup> Printing

HOUSE OF REPRESENTATIVE

By: Gonzalez Toureilles

H.B. No. 586

## A BILL TO BE ENTITLED

### AN ACT

relating to eligibility for dismissal of certain speeding charges  
on completion of a driving safety course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.0511(b), Code of Criminal Procedure,  
is amended to read as follows:

(b) The judge shall require the defendant to successfully  
complete a driving safety course approved by the Texas Education  
Agency or a course under the motorcycle operator training and  
safety program approved by the designated state agency under  
Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or  
motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety  
course or motorcycle operator training course, as appropriate,  
within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license  
or permit, is a member of the United States military forces serving  
on active duty, and has not completed a driving safety course or  
motorcycle operator training course, as appropriate, in another  
state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021  
in person or in writing of no contest or guilty on or before the

1 answer date on the notice to appear and:

2 (A) presents in person or by counsel to the court  
3 a request to take a course; or

4 (B) sends to the court by certified mail, return  
5 receipt requested, postmarked on or before the answer date on the  
6 notice to appear, a written request to take a course;

7 (4) the defendant:

8 (A) has a valid Texas driver's license or permit;  
9 or

10 (B) is a member of the United States military  
11 forces serving on active duty;

12 (5) the defendant is charged with an offense to which  
13 this article applies, other than speeding at a speed of:

14 (A) 95 miles per hour or more; or

15 (B) 25 miles per hour or more over the posted  
16 speed limit; and

17 (6) the defendant provides evidence of financial  
18 responsibility as required by Chapter 601, Transportation Code.

19 SECTION 2. (a) The change in law made by this Act applies  
20 only to an offense committed on or after the effective date of this  
21 Act. For the purposes of this section, an offense is committed  
22 before the effective date of this Act if any element of the offense  
23 occurs before that date.

24 (b) An offense committed before the effective date of this  
25 Act is governed by the law in effect when the offense was committed,  
26 and the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

*Patricia Spaw*  
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY:

*Watson*

Amend H.B. No. 586 as follows:

(1) In the introductory language of SECTION 1 of the bill (House engrossment page 1, lines 5 and 6), strike "Article 45.0511(b), Code of Criminal Procedure, is amended" and substitute "Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended".

(2) In SECTION 1 of the bill, in Subdivision (2)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (House engrossment page 1, line 19), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(3) In SECTION 1 of the bill, in Subdivision (4)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure, (House engrossment page 2, line 10), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(4) At the end of SECTION 1 of the bill (House engrossment page 2, between lines 18 and 19), insert the following:

(c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) unless the judge proceeds under Subsection (c-1), the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant had not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of

1 the offense;

2 (3) an affidavit stating that the defendant was not  
3 taking a driving safety course or motorcycle operator training  
4 course, as applicable, under this article on the date the request to  
5 take the course was made and had not completed such a course that is  
6 not shown on the defendant's driving record within the 12 months  
7 preceding the date of the offense; and

8 (4) if the defendant does not have a valid Texas  
9 driver's license or permit and is a member, or the spouse or  
10 dependent child of a member, of the United States military forces  
11 serving on active duty, an affidavit stating that the defendant was  
12 not taking a driving safety course or motorcycle operator training  
13 course, as appropriate, in another state on the date the request to  
14 take the course was made and had not completed such a course within  
15 the 12 months preceding the date of the offense.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **Committee Report 2nd House, As Amended**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, ES, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, ES, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 21, 2007**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB586** by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB

## ENROLLMENT

H.B. No. 586

### AN ACT

relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021



1 in person or in writing of no contest or guilty on or before the  
2 answer date on the notice to appear and:

3 (A) presents in person or by counsel to the court  
4 a request to take a course; or

5 (B) sends to the court by certified mail, return  
6 receipt requested, postmarked on or before the answer date on the  
7 notice to appear, a written request to take a course;

8 (4) the defendant:

9 (A) has a valid Texas driver's license or permit;  
10 or

11 (B) is a member, or the spouse or dependent child  
12 of a member, of the United States military forces serving on active  
13 duty;

14 (5) the defendant is charged with an offense to which  
15 this article applies, other than speeding at a speed of:

16 (A) 95 miles per hour or more; or

17 (B) 25 miles per hour or more over the posted  
18 speed limit; and

19 (6) the defendant provides evidence of financial  
20 responsibility as required by Chapter 601, Transportation Code.

21 (c) The court shall enter judgment on the defendant's plea  
22 of no contest or guilty at the time the plea is made, defer  
23 imposition of the judgment, and allow the defendant 90 days to  
24 successfully complete the approved driving safety course or  
25 motorcycle operator training course and present to the court:

26 (1) a uniform certificate of completion of the driving  
27 safety course or a verification of completion of the motorcycle

1 operator training course;

2 (2) unless the judge proceeds under Subsection (c-1),  
3 the defendant's driving record as maintained by the Department of  
4 Public Safety, if any, showing that the defendant had not completed  
5 an approved driving safety course or motorcycle operator training  
6 course, as applicable, within the 12 months preceding the date of  
7 the offense;

8 (3) an affidavit stating that the defendant was not  
9 taking a driving safety course or motorcycle operator training  
10 course, as applicable, under this article on the date the request to  
11 take the course was made and had not completed such a course that is  
12 not shown on the defendant's driving record within the 12 months  
13 preceding the date of the offense; and

14 (4) if the defendant does not have a valid Texas  
15 driver's license or permit and is a member, or the spouse or  
16 dependent child of a member, of the United States military forces  
17 serving on active duty, an affidavit stating that the defendant was  
18 not taking a driving safety course or motorcycle operator training  
19 course, as appropriate, in another state on the date the request to  
20 take the course was made and had not completed such a course within  
21 the 12 months preceding the date of the offense.

22 SECTION 2. (a) The change in law made by this Act applies  
23 only to an offense committed on or after the effective date of this  
24 Act. For the purposes of this section, an offense is committed  
25 before the effective date of this Act if any element of the offense  
26 occurs before that date.

27 (b) An offense committed before the effective date of this

H.B. No. 586

1 Act is governed by the law in effect when the offense was committed,  
2 and the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2007.

H.B. No. 586

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President of the Senate

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Speaker of the House

I certify that H.B. No. 586 was passed by the House on May 11, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 586 on May 25, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 586 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 586 was passed by the House on  
(1)

May 11, 2007, by the following vote:  
(2)

Yeas 144, Nays 0, 2 present, not voting;  
(3) (4)

and that the House concurred in Senate amendments to H.B. No. 586  
on May 25, 2007, by the following vote:  
(5)

Yeas 140, Nays 0, 1 present, not voting.  
(6) (7)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT31

I certify that H.B. No. 586 was passed by the Senate, with  
(1)  
amendments, on May 23, 2007, by the  
(2)  
following vote: Yeas 31, Nays 0.  
(3) (4)

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT32

H.B. No.

586

By

Yvonne S. Tourelles

A BILL TO BE ENTITLED  
AN ACT

relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

JAN 12 2007

Filed with the Chief Clerk

FEB 06 2007

Read first time and referred to Committee on

Law Enforcement

APR 30 2007

Reported favorably (~~amended~~)  
(~~as substituted~~)

MAY - 2 2007

Sent to Committee on (~~Calendars~~)  
(Local & Consent Calendars)

MAY 11 2007

Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~passed~~) by a (non-record vote)  
(~~record vote of~~ ~~yeas~~, ~~nays~~, ~~present~~, ~~not voting~~)

MAY 11 2007

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of ~~yeas~~, ~~nays~~, ~~present~~, not voting

Read third time (~~amended~~); finally passed (~~passed~~) by a (~~non-record vote~~)  
(record vote of ~~yeas~~, ~~nays~~, ~~present~~, not voting)

MAY 13 2007

Engrossed

MAY 14 2007

Sent to Senate

Robert Hancey  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 14 2007

Received from the House

MAY 15 2007

Read and referred to Committee on

TRANSPORTATION & HOMELAND SECURITY

MAY 18 2007

Reported favorably as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 23 2007

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by

MAY 23 2007

Read second time, amended, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(~~yeas~~, ~~nays~~)

MAY 23 2007

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 23 2007

Read third time, amended, and passed by a (viva voce vote)  
(31 yeas, 0 nays)

AMEND CAPTION TO CONFORM  
TO THE BODY OF THE BILL

To the House

OTHER SENATE ACTION:

Patricia Spaw  
CLERK OF THE SENATE

MAY 23 2007

Returned from the Senate (amendments)  
(with amendments)

MAY 25 2007

House concurred in Senate amendments by a (non-record vote)  
(record vote of 40 yeas, 0 nays, 1 present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

07 MAY 23 PM 6:47  
HOUSE OF REPRESENTATIVE

07 MAY -1 PM 10:55  
HOUSE OF REPRESENTATIVE